

## REMARKS

Applicant respectfully requests reconsideration of the present U.S. Patent application. Claims 1, 3-10, 14-16, 18-21, 23, 24 and 27 are allowed. Claims 25-26 stand rejected under 35 U.S.C. § 102. Claim 28 is objected to. Claims 1, 10, 14, 15, 23, 25 and 26 have been amended. No claims have been canceled or added. Thus, by this amendment, claims 1, 3-10, 14-16, 18-21 and 23-28 remain pending.

### Claim Objections

Claim 28 was objected to as being dependent upon a rejected base claim. Applicant respectfully points out that only claims 25 and 26 have been rejected, and that claim 28 depends on claim 27, which has been allowed. Therefore, Applicant submits that Examiner should not have objected to claim 28.

### Claim Rejections – 35 U.S.C. § 102

#### Rejections of Claims 25-26 Based on *Bruhn*

Claims 25-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,256,487 issued to Bruhn (*Bruhn*). For at least the reasons set forth below, Applicant submits that claims 25-26 are not anticipated by *Bruhn*.

Amended Claim 25 recites the following:

providing an indication, within at least one of a plurality of data segments, whether digital audio data is encoded according to one of at least two audio coding schemes; ...

A proper rejection under 35 U.S.C. § 102 requires that a single prior art reference teach each and every element of the rejected claim. See MPEP § 2131.

*Bruhn* discloses a communication system for managing radiotelephone calls. See col. 5, lines 4-17. A transmitter transmits a mode indicator over an air interface to a receiver, to inform the receiver of the combination of speech coding and channel coding used to process data prior to transmission. See col. 5, lines 45-54; col. 6, lines 42-54. *Bruhn* does not disclose providing an indication, within at least one of a plurality of data segments, whether digital audio data is encoded according to one of at least two audio coding schemes. Consequently, *Bruhn* does not teach each and every element of claim 25, and thus does not anticipate this claim. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claim 25 under 35 U.S.C. § 102.

Claim 26 depends from claim 25. Because dependent claims include the limitations of the claims from which they depend, Applicant submits that claim 26 is not anticipated by *Bruhn* for at least the reasons set forth above, and thus is in condition for allowance.

#### CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, all pending claims are now in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account  
number 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: March 19, 2003

Joseph A. Pugh  
Joseph A. Pugh  
Reg. No. 52,137

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 684-6200

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail with sufficient  
postage in an envelope addressed to Commissioner of Patents,  
Washington, D.C. 20231 on:

3.19.03

Date of Deposit

Derek S. Watson

Name of Person Mailing Correspondence

Derek S. Watson 3.19.03  
Signature Date